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SERVICE DATE – AUGUST 12, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35922

WESTERN WASHINGTON RAILROAD, LLC—OPERATION EXEMPTION—PORT OF
CHEHALIS

Decided: August 11, 2015

On July 13, 2015, Western Washington Railroad, LLC (WWRR) filed a verified notice of exemption under 49 C.F.R. § 1150.41 to operate, pursuant to a sublicense agreement with Chehalis-Centralia Railroad & Museum (CCRM), a non-carrier excursion train operator, over approximately 10.2 miles of rail line, owned by the Port of Chehalis, Washington (the Port), located in Lewis County, Wash., extending between milepost 0.0 at the junction with the City of Tacoma's rail line (Tacoma Rail milepost 67.0) and milepost 10.2 in Curtis, Wash. (the Line).

On July 27, 2015, WWRR filed both redacted and unredacted versions of the sublicense agreement in order to clarify the nature of the rights being acquired. WWRR simultaneously filed a motion for protective order pursuant to 49 C.F.R. § 1104.14(b) to allow the filing under seal of the unredacted version of the agreement.

In reviewing WWRR's filings, it appears that the parties' sublicense agreement was executed on May 6, 2014, over 14 months prior to WWRR requesting Board authorization to operate on the Line. Given this apparent delay in filing a verified notice of exemption, WWRR will be directed to inform the Board why it postponed seeking Board authorization to operate on the Line and whether the parties need Board authorization for any agreements incorporated into the sublicense agreement by reference. The Board will direct WWRR to file a supplemental submission addressing these issues by September 1, 2015. In the meantime, this proceeding will be held in abeyance pending further Board order.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is held in abeyance pending further Board order.

2. WWRR is directed to file the supplemental information identified in this decision by September 1, 2015.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.